

KAUAI COUNTY HISTORIC PRESERVATION REVIEW COMMISSION
Lihu'e Civic Center, Mo'ikeha Building, Meeting Room 2A/2B

MINUTES

A regular meeting of the Kaua'i County Historic Preservation Commission (KHPRC) was held on January 26, 2017 in the Lihu'e Civic Center, Mo'ikeha Building, Meeting Room 2A/2B.

The following Commissioners were present: Anne Schneider, Victoria Wichman, Larry Chaffin Jr. (entered in at 3:17 pm), Pat Griffin, Charlotte Hoomanawanui, and Stephen Long.

The following Commissioner was absent: Althea Arinaga and Deatri Nakea.

The following staff members were present: Planning Department- Myles Hironaka, Kaaina Hull, Shanlee Jimenez; Office of the County Attorney - Deputy County Attorney Jodi Higuchi Sayegusa; Office of Boards and Commissions - Administrator Jay Furfaro.

CALL TO ORDER

Commissioner Schneider called the meeting to order at 3:02 p.m.

ROLL CALL

Deputy Planning Director Kaaina Hull: Good afternoon Members of the Commission. The first item of business is roll call. Commissioner Chaffin (not here); Commissioner Griffin (here); Commissioner Hoomanawanui (here); Commissioner Long (present); Commissioner Schneider (here); Commissioner Wichman (here). Madame Chair we have a quorum.

90 DAY EXTENSION – PAT GRIFFIN

Mr. Hull: Next agenda item is the 90 day extension for Commissioner Pat Griffin.

Ms. Schneider: Do you need a motion?

Mr. Hull: A motion is needed.

Ms. Schneider: Do we have a motion to extend Pat's?

Ms. Wichman: I move that we extend Pat Griffin's term another 90 days.

Mr. Long: Second.

Ms. Schneider: Any discussions?

Ms. Griffin: I have a question. It seems like if a new commissioner can be brought on before that 90 days that would be preferable.

Mr. Furfaro: I would think next at your next commission meeting I would suggest that you put on your agenda, since this nomination selection is made by your group for this position, that you put an agenda item on to open up discussion about a replacement commissioner. And so although I am hearing from Commission Griffin that she would be most kindly to excuse herself from the rest of the 90 days. The fact of the matter is the process won't even be posted for another 30 days.

Ms. Schneider: We do have somebody that we... that's we have on the next month's agenda.

Mr. Furfaro: It should be agenda accordingly. Thank you.

Mr. Long: Madame Chair I have a quick question. Mr. Furfaro have you received any applications or petitions for nomination to the KHPRC from the public?

Mr. Furfaro: Yes. We have received one but I understand this same candidate might be somebody that you are nominating as a group next month. So I am waiting to see the outcome of that. Thank you Madame Chair.

Ms. Schneider: Any other discussion? Can we vote? All in favor? (unanimous voice vote.) Any opposition? (None)

Ms. Higuchi Sayegusa: No opposition.

Ms. Schneider: Motion passes.

SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Mr. Hull: Next item on our agenda is selection of the new Chairperson and Vice Chairperson. So in order to move this forward essentially a motion is necessary for the 2017 Chairperson for the Kauai Historic Preservation Review Commission.

Mr. Long: I would like to make a motion that we nominate Victoria Wichman as the next Chairperson for the KHPRC.

Ms. Griffin: Second.

Ms. Higuchi Sayegusa: I'm sorry just to clarify I suggest maybe if we open up nominations and so we can receive nominations and then we can go through it one by one going through there. So first I would think we need, so Chair you would just announce that the nominations are now in order and there is no need to be seconds.

Ms. Schneider: We don't need a second for it. So we do have Victoria. Is there any other nominations.

Ms. Higuchi Sayegusa: Ok if none then I would suggest that you receive a motion to close the nominations.

Ms. Schneider: Can we have a motion to close the nominations?

Ms. Griffin: So moved. I move that we close the nominations.

Ms. Higuchi Sayegusa: You do need a second.

Ms. Schneider: Anybody want to second?

Mr. Long: Second.

Ms. Schneider: Do we need discussion now? All in favor? (Unanimous voice vote.) Any opposed? Nobody is opposed. Victoria is our new Chairman.

Ms. Higuchi Sayegusa: I'm sorry now we can move forward on any discussion on voting Victoria as Chair. So it would be here this portion.

Ms. Schneider: Are there any request for secret ballot vote? If not we will proceed on voting on each nomination.

Mr. Hull: So the vote was to close nominations and now the official vote.

Ms. Schneider: All in favor. (Unanimous voice vote.)

Ms. Higuchi Sayegusa: Again, just to clarify we are voting on Victoria Wichman is the chair.

Ms. Schneider: No one was in opposition. So it passes. Victoria you are the new Chair.

Ms. Victoria Wichman, 21017 Chairperson: Ok good afternoon everyone. So now we need to select our Vice Chair. Do I have a motion... nominations are in order for the selection of Vice Chair.

Ms. Griffin: I nominate Deatri Nakea in absentia.

Ms. Wichman: Are there any further nominations? So if none can I have a motion to close nominations?

Ms. Schneider: I make a motion that we close nominations.

Ms. Griffin: Second.

Ms. Wichman: Any opposed? (None.) Any opposed? (None.) And the motion carries. And the nominations are now closed. So Deatri Nakea is now our new Vice Chair.

Ms. Higuchi Sayegusa: We have to vote on her.

Mr. Hull: That was the motion to close.

Ms. Wichman: So Deatri Nakea has been nominated as the Vice Chair and is there a request for secret ballot vote? (None.) if not we will proceed with the vote for her nomination. All those in favor? (Unanimous voice vote.) Opposed? (None.) Ok Deatri Nakea is now our Vice Chair. I hope she agrees to it when she comes back.

APPROVAL OF THE AGENDA

Mr. Hull: Madame Chair the next item on the agenda is the approval of the agenda. The Department has 2 recommendations to take two items out of order. One being New Business, K.2. particularly to accommodate the consultant from off island as well as K.3. to accommodate a request from the applicant to move both of the agenda items after item G and before item H.

Ms. Wichman: Ok so can may I have a motion to adjust the agenda?

Ms. Griffin: I move that we approve the adjusted agenda.

Ms. Schneider: I second the motion.

Ms. Wichman: Any discussion? (None.) All those in favor? (Unanimous voice vote.) All those opposed? (None.) Motion carries.

APPROVAL OF THE NOVEMBER 17, 2016 MEETING MINUTES

Mr. Hull: And the next agenda item is the approval of the November 17, 2016 meeting Minutes.

Ms. Schneider: I make a motion that we approve the minutes as stated.

Ms. Wichman: Ok. Do we have a second?

Mr. Long: Second.

Ms. Wichman: Any discussion? (None.) All those in favor? (Unanimous voice vote.) Any opposed? (None.) Ok let the record reflect that Commissioner Chaffin has arrived at 3:17.

PUBLIC COMMENT

Mr. Hull: And the next agenda item is the Public Comment. So this agenda item is for individuals that would like to testify on any agenda item should they not be wishing to speak on the actual agenda items.

Ms. Wichman: Ok would anybody from the public like to testify on any agenda item at this time? Seeing none. Thank you.

NEW BUSINESS

Re: Mr. Mary S. Rice Beach House

Mr. Hull: Ok the next agenda item is K.2. Mrs. Mary S. Rice Beach House, TMK: 3-1-001:003, Kipu Road, Kipu Kai, Kauai. A proposed nomination to the Hawaii Register of Historic Places and the National Register of Historic Places. I believe there is a consultant here for the applicant.

Mr. Don Hibbard: Aloha. My name is Don Hibbard and Cecile and Janelle are also here from First Hawaiian Trust, who administer the property for the trust. Excuse me, First Hawaiian Bank not trust.

Ms. Higuchi Sayegusa: Sorry could you step forward and speak into the mic please.

Ms. Cecile Ching: Hi I am Cecile Ching with First Hawaiian Bank and First Hawaiian Bank is the corporate co-trustee for the John T. Waterhouse Trust.

Mr. Chaffin: Who are the other trustees?

Ms. Cecile Chung: The individual co-trustees are Gary Wells, Sue Anna Wells, and Sandy Waterhouse.

Mr. Hibbard: Ok so I was just going to go through the property with you quickly so you could see, I believe you have in your packet the photographs of the property. So I will sort of go through. The first one on top shows the property from looking down from the entry road. The area that is going to be registered is nominated is all right over here. And it will go out as far as this building right here and include this area all right there. Plus there are several buildings that you cannot see cause they are on the side of the mountain. They are actually structures, mainly the water ones.

The second one shows the current buildings and everything on this map is being considered except number 1, which is further out and we don't have a date on it so I am not sure it's even historic. The ones over here are all utilitarian. It's the wells the water and electrical generators that support the homestead. Over here you have the house itself and then a number of other out buildings that were associated with the ranch. There is 3 more modern buildings that are non-contributing. They are number 8, the manager's home which was built in the 1970's; and the photoelectric which is all new and put in a few years ago; and the third building...

Mr. Chaffin: We have a number of photographs in our packet.

Mr. Hibbard: I will go through those. And number 17 on top is also non-contributing it's new water tanks.

Mr. Chaffin: Are you referring to other photographs that are not in our package?

Mr. Hibbard: No this should be in your package.

Mr. Hull: For clarification is that part of the submittal that was originally submitted? Or the subsequent submittal? Cause we have 2 submittals.

Mr. Hibbard: Both it should be in.

Mr. Hull: Sorry Don do you have the page on say the original submittal?

Ms. Griffin: It's the last colored photo before you get to the drawings.

Mr. Hull: Yes so it's the last colored before you get to the actual plot plans.

Mr. Chaffin: Ok.

Mr. Hibbard: Ok the following photo just shows the house as it looks in relationship to the ocean and to the mountains. This is a closer image of the house. The house itself was built in 1886. This whole front part is an addition to the lanai which is definitely before World War II and I suspect it's either the 20's or the 30's it was added. The main house is the gable roof structure here and then off to this side is going to be the kitchen wing and a guestroom wing. Here is the side view which show that better where you can see the gable is original house. The lanai that was added is off to the right. The house originally was board and batten/tongue and groove. They have subsequently put T-111 over it to reinforce the walls which is not the most sensitive put it preserves the house. The windows have also been changed unfortunately.

The next picture in your group shows one of the few pictures we have of the house as it was in the 1890's. They had an Ostridge farm in 1896 so that's the one reason we can date the house, by the Ostridge. And you can see up there on top of the hill the house and the kitchen wing both being there. As I said, the integrity on the outside is not ideal, however, on the interior it is very much there.

Here is what was the original front of the house with the front porch. This one side here is where that addition of the old lanai was made in, I suspect, the 20's or 30's but is very much all there. The original house. The typical style in the 19 century you will see 3 doors going in. One goes into a hallway, to either side is a bedroom. Here is just another view. You can see the chamfered posts, which is very common building finish at the time. They are still there as well as the walls and the floors are all original as well. So once you step in the house, you are definitely stepping back in time.

Here is the fireplace. This was added by John T. Waterhouse once he acquired the property in the early 50's. He acquired it between '48 and '51. The lanai was there already. This is now over 50 years old as well and historic.

Mr. Chaffin: Did he then occupy the house?

Mr. Hibbard: Yes. Here is just another view showing the porch relationship to the lanai and again you can see the doorways going in and the original windows are still in place as well. The middle door goes into what they now call the library but originally, I believe, it was just a hallway area which would have been typical at the time. As you can see it is pretty much intact still. Another view looking the other way. You can see all the original wood is still there.

This is one of the rear bedrooms. The walls are all still intact. At some point, well beyond/before 1967 probably either in the 50's or the 30's they applied Masonite to the ceiling finish. Here is a view of just another one of the bedrooms. You can see it's a very modest single wall structure which is very much intact. As of typical in 19th century the kitchen was separate from the main living area and that's this wing going out this way. And it to, the dining room has all the original walls, the original floor, and you can still see the 5 panel doors that were used that area still intact. At some point, which I imagine is in the 50's the rear of the dining room had the wood sliding doors put in. Just from the style I am guessing that it is the 50's. The kitchen was remodeled at that time also. It still has its original cabinetry from the 50's as well as the wood counter tops. And then beyond the kitchen there was a series of 3 bedrooms which I believe was used for guests. Board and batten outside. The interiors are all intact in these rooms. They have canec ceilings, Masonite walls. These openings are just screens.

Also on the property there is a number of utilitarian structures. After Jack Waterhouse got the property he started to improve it. He brought in water and electricity among other things. There is a reservoir on the property with 2 cisterns which is not being used right now. It's on the hillside when you first go up but it's still there and it still holds water.

Mr. Chaffin: What is the source of water?

Mr. Hibbard: They have a well and that's the next picture. This is the pump house for the well and the I beam structure behind it was what held up the drill when they drilled the well. They just didn't take it down afterwards. And until you go there, and I didn't stop to think about the difficulty of getting materials there especially before the road. The road was built by Mr. Waterhouse in the post war period during the early 1950's. So before that it was only trail and the trail wasn't even big enough to accommodate a carriage. So essentially you went in by horseback.

Also over on that side of the hill is a generator house. Another very simple corrugated iron structure. The generator is still inside and they have just gone over to photoelectric a couple of year and the generators are still there as backup. Right below the generator is a little house where they store the diesel fuel that runs the generators.

Also on the property there are 3 other houses. One house the caretaker lives in it. It's from the 1970's so that is considered noncontributing cause it's too new. This home was built in the early 50's and still stands on the property and it is very much intact on the interior. It has all the red wood tongue and groove walls. The kitchen is intact. It has mahogany cabinetry and, I am sorry I don't have the picture but you can't really see but it has picture windows on 2 sides with wood louvers underneath for ventilation. You can find in a lot of subdivision houses as well.

The other house is also there. They are both all cowboy houses and I think they are used for people living on the property. This one the tax office has 1896 as the date. I don't know if it is really that old but the next picture shows the interior which is all board and batten walls and so I said it could be '96. I am pretty sure it's at the latest 1929 or '30. And also the doors, they still have all the original doors which are 5 panels and actually I have another picture I just took today, there is also some 4 panel doors which I do associate more with the late 19th century early 20th century. So the house, I believe, if it's not 1896 it's pretty close.

Also on the property at the far end is the big maintenance building. This was built in the 1950's and is all corrugated metal and they used that. The next picture shows the interior of that which is all a steel frame and they use it for equipment and storage. Also on the property are 2 other CMU buildings which date from the 1950's and for ranch use at the time. This building, I am sorry I couldn't find the building of the one across. There is 2 right next to each other and the other one was used originally as a milk barn and the has a tack house inside and they are now used for storage.

And so that's essentially all that's encompassing the nomination. It's around 30 acres of land. So it's the house and the ancillary support structures that go with the house. I think it's an important building although it has been compromised in some ways and in many ways it's very much intact. When I was trying to get a count of building on Kauai from the 19th century. I could come up with 10 including this one and that's the next pictures. You have Waioli Mission and the mission houses next to it. You have Stone Church in Waimea. The Gulick-Rowell House in Waimea. Grove Farm here in Lihue. The Queen Emma's House in Lawai, which some people has questioned whether that's the original or not but I will give it as part of the 10. And the Wilcox Residence over in Hanalei, which is the beach cottage from the 1890's. The only other ones I don't have photos of and I have somewhere but I couldn't find them, the Robinson Homestead just before Waimea and I don't even know the Gay Residence which was out that side. I went looking for it the last time I was on Kauai but couldn't find it. So I don't know if that's still standing or if anybody else knows if that's standing any more. But that's the only 19th century buildings. The Russian Fort if you want to call it a building but that's the only ones I know of on Kauai. So I think just in itself it's important as a reminder of the last century.

The house we are nominating for its associations with the history of recreation. The fact that it was a beach house and its associations with being used as a retreat away from civilization and also for its association with ranching. It was part of the William Hyde Rice Ranch and then essentially when Waterhouse bought it, he broke it off and it became the Kipu Kai Ranch. And so for those reasons we are nominating it. Oh and one last picture which I liked a lot. I found this in one of the, they have little books for guests to sign but it showed the difficulty of getting in. It was called the trip over and they were going up the mountain and back down the mountain by horseback. And

that was essentially and it had it has a certain mystic about of its own, Kipu Kai, it is a very isolated place. It's a place that is relatively difficult to get too and I think it's part of the story of Kauai's history.

Ms. Wichman: Ok thank you Mr. Hubbard, Hibbard sorry. I have a question please for you. You mentioned the 30 acres of land. Now is that to be included in the nomination as well?

Mr. Hibbard: That is.

Ms. Wichman: It is?

Mr. Hibbard: Yes the buildings stand on that land.

Ms. Wichman: I also understand eventually after the last Waterhouse passes, this would become part of the State?

Mr. Hibbard: Yes that is correct. Do you want to talk about that subject?

Ms. Ching: Yes there is a deed of open space easement that has already been executed with the State as the grantee and they will take over upon the termination of the trust.

Mr. Hibbard: Which will terminate when the last of the nieces and nephews die.

Ms. Ching: Right.

Ms. Wichman: Does anybody else have questions? Stephen.

Mr. Long: I have a couple of questions and comments. Is the 30 acres that the property sits on, is that the total extent of the lot of record?

Mr. Hibbard: Excuse me?

Mr. Long: The 30 acre lot that the home sits on, is that the total area of the lot of record?

Mr. Hibbard: No. It's all one parcel at this time. So we are just taking a piece of that parcel.

Mr. Long: Ok so that 30 acres is being taken out of the larger piece?

Mr. Hibbard: Yes. It's a little over eleven hundred acres.

Ms. Ching: It's actually, the total is 1,094 acres is the entire parcel.

Mr. Long: I do have a comment about the drawings in the application and I see that they are hand drawn and noted not to scale. So at a very minimum it would be nice to have a graphic scale on the drawings.

Mr. Hibbard: For nominations, the floor plans are not required. We put them in as a curtesy so that people can get a sense of the layout of the property. I had this discussion with the Review Board a number of times and to get them to scale, to get measured drawings is going to be way more expensive than the cost of preparing the whole nomination.

Mr. Long: Right, I understand and are floor plans and exterior elevations really just a curtesy? They are not required as part of the application?

Mr. Hibbard: Correct.

Mr. Long: I just have a personal feeling that on such an important structure that dimensioned floor plans and exterior elevations would be informative as a documentary measure and an informative measure.

Mr. Hibbard: Right. Nominations they are a form of documentation but if you want documentation then they have another whole program. The Historic American Building Survey Program which goes out and documents structures. They will do measured drawings. There is a number of buildings on Kauai that it has happened to already. But then they usually send out a team of 4 people, usually students, under the direction of an architect and that's a totally different process. But yes I agree it would be a good idea to have the house documented at some point. I think it's onerous to have it attached to a nomination cause essentially the nomination is just do we recognize this as historic or not.

Ms. Wichman: Any other questions? Pat.

Ms. Griffin: It is indeed one of the few properties that has amongst the structures pre 20th century. We have run across a few smaller houses in researching the inventory but they are scares indeed. But I am troubled you know when we look at character defining features we start with the walls the windows and the roof, sometimes the doors and you have mentioned it a couple of times. And that's what most people in registered buildings, it's what most people would see is the exterior. So can you talk a little bit more on why you mention the interior is a substantially intact.

Mr. Hibbard: Yes. I think it's the interior but for integrity there is seven. You have setting. You have feelings and associations. I find all of these are exceptionally strong and quite often we overlook setting. Here the setting is still pristine which many other places where the building itself is pristine but the setting is now gone. So I think that, that's part of it. The materials are all still there but you cannot see them from the outside. But same with the design. I think there is a lot to be learned from the building that does recall the past and yes ideally I would not want the wall, the T-111 that has been clad on the building or the standing seam roofs but when I look at the whole building as a whole I can overlook that just on the grounds that it is here. It's been standing here for a 140 years. Is that right? 120 years and just that alone that there is this sense of that time allows me to overlook some of these detriments and I also look at it and say ok its keeping the building the way that it is and these are elements that can be remedied. You can go back and put a corrugated

room on the building. You can go back and remove the T-111 cause the walls are all still there. So I feel that it is something, yes it's not ideal but I think that it is something that can be worked with.

Ms. Griffin: Did the openings, the window configuration, do you know Don if that changed when they were replaced?

Mr. Hibbard: No, not when they were replaced. It was prior to that and originally that front lanai looks like it was, I have one old picture which I didn't take a picture of but I just did today had rectangular openings so at some point they enclosed those and it was the same where you had big on one side and small on the other. So the fenestration as far as the placement of the openings are still all intact. At least from what I could see from the front elevation. The sides? Who knows. But I don't see in the building anywhere like on the interior between the front bedrooms and 2 back bedrooms there was originally doors connecting then and I can very easily see where they were infilled. I don't see any places along the exterior of the wall that there is infilling of windows and so at the most they could've made a new window but they didn't take out any old windows.

Ms. Griffin: Thank you.

Ms. Wichman: Any other questions? (None.) Any questions from the public? (None.) If there is any testimony from the public you are allowed to come up and speak now. Seeing none may we have a motion.

Ms. Schneider: I make a motion that we support the proposed nomination to the Hawaii Register of the Mary S. Rice Beach House.

Ms. Wichman: Ok. Second?

Ms. Griffin: I second.

Ms. Wichman: Any discussion? No discussion. Those in favor? (Unanimous voice vote.) Opposed? (None.) Ok motion carries. Thank you.

Re: Old Kealia School (Alakai O Kauai Public Charter School)

Mr. Hull: Ok the next agenda item is also one of the agenda items that was moved is K.3. Old Kealia School, TMK: 4-7-003-006, Kealia, Kauai, a proposed reconstruction of the former Island School building. And I believe there is a representative on behalf of this application.

Ms. Wichman: Ok would the representative for the Old Kealia School please step up. Thank you.

Ms. Kristen Hoshino: Hi I am Krisen Hoshino. I am president of Hookala non-profit for Alakai O Kauai Public Charter School. It's a kindergarten through 8th grade school but we are going to start up smaller and build up our enrollment. We need a temporary site and after a lot of research we found the old Island School has an entitlement and it would enable to get our school started in time

for the next school year which we really need to start then. If we don't start next year we lose a lot of our base of support. If we don't follow the following year then we lose our Charter and we don't ever open the school. So it is very important that we get the school open on time. There is 165 families that have pledged that they want to enroll their children there. It's a tuition free school. It is funded by the State and we also, through the non-profit, are pursuing grants which are also from the State.

So ultimately the school is going to be paid for by the State and through our lease payments and things like that we would like to keep our cost down. We found this building and the owner's representative has been working with us. They have a contractor and an architect and so there is already a design for this building and we just came along at the right time and they said well we actually don't need to use the building for the next 3 to 5 years which is the amount of time that you need the building but we could go ahead and renovate it now then you can use and we can have it restored and not a crumbling building on the side of the road anymore and increase the property values and give the place for the kids to have their school. After an extensive search we have found nothing else. So we are really hoping for this. It looks like it was built in 1919 and was part of the sugar plantation. It sat empty since 1991 and it's falling apart completely.

So I have pictures from the site. These are pictures taken in the past month. Pictures outside you can see there is holes in walls, holes in the roof. It look like the sub floor was pretty decent. The inside of the school was a lot of dry rot and just not really salvageable to anybody's opinion that has seen it. So we would really like to do whatever we can most efficiently and that is keeping with the historical standards for a building of this type. The need is there for the children to have a school as quickly as possible. We would just like to find out the best route to that.

The building design by John Underwood is like Kapaa Town. The façade, the elevations are similar to that. It wasn't design to replicate the old Island School but we are open to going back to that design if it's felt that it is needed. Some of the changes were made because of the cost. The roof, the shed roof would be cheaper for the Charter School to be able to afford and the deck was added for extra space. We will have a lot of kids and having some extra room to run around would be great but I am not sure if that's going to be permitted with the Planning Department. We have to stay in the same footprint. That is kind of outside of that. So that might be in addition later on if we have to go through the permitting process. So we are not trying to build a modern building but we are trying to build something quickly for these families in Kapaa who need this school.

Ms. Wichman: Are there any questions from the commissioners?

Ms. Schneider: So the building that you are showing that is in the rendering is not actually the building that you are going to build?

Ms. Hoshino: Well we have some flexibility at this point. This is just conceptual and then our architect, John Underwood, is here listening in to the recommendations. It's what we have right now but we could go back to the old design. It might take a little longer to build with that type of roof and it might cost more. But you know there is lots of different design elements that we could keep or not keep and we are here to kind of find out what we need to do.

Ms. Wichman: Stephen.

Mr. Long: So what's the purpose of you coming before our commission?

Mr. Hull: So to give a little background. So kind of in a nutshell what this charter school is looking for is they have a fairly narrow window to get open school to facilitate children under the application that was approved by the Charter Commission. So they started knocking on the Planning Department doors to see what the process is to entitle a schools site for which any new school site requires, in any zoning district, a review by the Planning Commission – a Use Permit so to speak. Which is from application acceptance is a 5 to 12 month process which basically did not meet their window of opening a school to children. So The next option they essentially began entertaining was looking at places that already had the entitlement, ie the permit to operate a school on the grounds that school operations are no longer occurring but had the land use entitlement.

So they had been looking at a few sites and this is one of the sites that popped up essentially as having the entitlement for the school, ie Use Permit for a school operation and they could utilize that existing use permit to run their charter school. They would have to operate within the parameters that, that use permit was given but they could utilize it essentially. Now this is a historical structure. It's not on the registry but it's an historical structure. So because of that they are here essentially before the KHPRC for the review of the application.

Ms. Schneider: But they have to stick to that footprint? The existing building's footprint?

Mr. Hull: For the land use entitlement, correct.

Ms. Griffin: So has there been a demolition application?

Mr. Hull: At this point there hasn't been a demolition application. I think what the applicant is essentially saying is that when they knocked on this landowner's door they had design already in place for a future tenant to one day build there. This essentially is the design and as I understand it, correct me if I am wrong, is that the kind of agreement is they have monies to build and they could potentially build the structure and utilize it for 3 to 5 years for the charter school and they have plans to later on relocate to a much more larger ground to accommodate larger capacity. But that's an original plan from a tenant that in the future is looking at building. So they are proposing saying can we construct this building on this site essentially in our discussions with the applicant and their contractor/architect the structure costs more to essentially salvage and renovate it then it is to demolish it and put up a new structure. So essentially that is what they are here for your review of. Correct me if I made any...

Ms. Hoshino: No that was is. That was great. Thank you.

Ms. Griffin: Yea and I have to say I was a little confused when I was reading this because our job is with the historic structure and like any group words mean things a little differently in preservation circles than they do elsewhere. So when it was talking about reconstructing, I brought the Secretary of Interior Standards and reconstruction it talks about depicting by means of new

construction. The form, features, and detailing of a non-surviving site, landscape, building for the purpose of replicating its appearance at a specific period of time and its historic location. So this proposed looks really attractive and I can imagine hearing the little feet running across that lanai. But it doesn't really fulfill that term of reconstruction with would then simply take us to demolition. But I understand now the pinch you are in, in needing to have the same footprint and that seems to is a little beyond our scope.

Mr. Hull: Well essentially you are correct, Commissioner Griffin, that the building that they are proposing to construct at least on these preliminary doesn't replicate and doesn't reconstruct under the Department of Interior Standards of a historic structure. Whether you want to comment, whether this body wants to comment on the proposed new structure or not comment is essentially, it's at your will if you will.

Ms. Griffin: Personally, I think if we were to comment about the new structure we would be guided by personal taste rather than historic standards. So I don't feel comfortable. I don't know how the rest of the commissioners feel about that but it doesn't seem to be within our kuleana to discuss a new design and a new structure.

Mr. Long: Except that's what I would like to do. I understand from looking at the photos and the description that the existing buildings is beyond use and demolition is appropriate. Attractiveness is a personal thing and I don't feel, like Pat feels that we can't really comment on personal attractiveness. I will make this comment, it's that the proposed new building as presented to us has virtually nothing to do with this scale, the design, or the architectural detailing of the existing historic structure. So just as a personal comment you know it's sort of nice to pick up on those local, historical, architectural aspects of what was there before.

Ms. Schneider: Is the reason for using this design because they had it and it was available?

Ms. Hoshino: Pretty much. We've already opened enrollment application period and we can't change our timeline and also you know we are not going to be there forever. So I don't know if we are the ones to decide what's going to sit on that land forever. We are open to building the way it was but if there is not a need to do that, you know something that would be a little more functional. I don't know cheaper rent for us too but mainly the speed in which it can be constructed is my concern with the roof and drawings.

Ms. Wichman: Is there any more discussion from the commissioners?

Ms. Sandra McCloskey: My name is Sandra McCloskey. I represent the contractor and I also represent the future tenant of the property. That is how JM Pacific Construction got involved with this project is that we are cacao farmers also and this is part of the whole Kealia project. Having a place to grow our cacao as a leasehold and then going in to this building as a future tenant we thought we had 3 years down the road and the owner really wasn't familiar if it was going to have to go through all of the different protocols that it has to go through with it being historical or not.

So what we did as part of our business plan we submitted this drawing that we had in front of you with all the decks and you know we were making it really nice and enticing for the owner when we got approached about the charter school, the charter school superseded what we really wanted for ourselves and the future we realize that Kauai, we got to put more time and energy into our keiki and we are willing to build a school in the very short amount of time.

So time is of the essence and we are willing to take away, our architect is here today to support this project, basically all we would have to do is take away those decks and exchange that roofline back into the gable roof that it is. You know that it is right now with just the way the structure is right now. We are will to do that. The architect is going to push up trying to help us so that we can get the school built anyway possible. It needs a stamp of approval somewhere down the line because it's supposedly an historical building.

We met with Anna today at the site and even though you can see how badly dilapidated the building is. It's terrible, you know we will save whatever we just need instructions. Save the foundations. Save whatever it takes and then build the structure but time is of the essence and we need just need to know what do you want us to do there because we are willing to do it and sacrifice the design that we had done already by our architect. So get away from what you are seeing in the picture. That it was a hope and desire to take over a building 5 years down the road but it is not necessarily what has to be right now. We need to know what you want from us and that is the only thing that we are trying to do is accomplish right at this moment is to try to get a charter school there. And so anything that you can do to help us to that would be awesome.

Ms. Wichman: Any comments from the commissioners?

Mr. Chaffin: It seems to me that you are asking us to approve something and if the building inspector during construction says no you come back and say this is what the commission approved. You are caught in a difficult place.

Ms. McCloskey: Well we have to conform. I am sure that there are certain things like ADA access. It's not on the old school. It has to be on the new one. It's single wall construction. It's not on the old school but it has to be on the new one. We are willing to make the building conform granted we have a great source to do this but we don't know how long that option is going to be out there for us. We will conform. There is no doubt about it. It's just getting past this process so we can do what we always do in construction is to build a nice building that Kauai will be proud of. Our children will have a school. And you know Mayor is wanting to cut the ribbon on it so we would really like to have, at least the opportunity and not just shut it down right here. If there is something that needs to be approved I can't stress to you enough this is just a small window of opportunity that we are able to do this.

Ms. Higuchi Sayegusa: So one of the duties of this commission is to provide assistance and advice to the respective government agencies that may have to oversee any other part of this project and the applicant does seem to be coming here under own accord to get your input and your advice on any of your experience and expertise in the area of historic preservation and so I think if there is any input that you guys could afford them then that might be what's relevant.

Ms. Schneider: Is it easier for us to recommend something if it was reflective of the old building. It's not. We are asked to look at a new building that really isn't old and really isn't our purview.

Mr. Hull: I think what Jodi is getting at is essentially that along the lines of what Commission Long was saying if there are certain historical elements you want to comment that should be incorporated into the building. Or if there is an outright opposition against the building or if there is outright support against the building and also to Commissioner Griffin's point if it there is no comment there is also to that effect there would be just a motion to receive essentially. We have received this report and essentially have no comment. You folks have an array of different opportunities. It is ultimately what the will of the commission as a body is.

Ms. Griffin: It sounds. I mean we are advisory and certainly the regulations within the Planning Department trump any advice of ours and it sounds to me that the school, to keep that entitlement, there is a fairly rigid requirement that is beyond us in terms of the footprint and the reconstruction rather than a redesign. I think the issue for us isn't the school. It sounds like you all are great partnership together and all. I am grappling with what the Planning Department regulations are and what kind of input that is left for us.

Mr. Hull: So ultimately the Planning Department would sign off on amendment to their Class IV Zoning Permit and Use Permit. If in so far as they presented it and it keeps within the original proposal. There wasn't, in reviewing their original Class IV and Use Permit, there wasn't any design standards imposed by the Planning Commission so there is latitude for them to have a different design for that. However, in administering the zoning permit the Department would look at input that this body gives as to whether or not it would be a requirement to sign off on their building permit. And so like all zoning permits that you folks are advisory to the Planning Department, the Department takes your input and determines if it is going to incorporate it as a whole, all of the recommendations, in part, or not at all into our conditions of approval as we sign off on their permit. So whatever comes out of this body, if anything does, the Department intakes that and determines what extent it we'll enforce it, essentially. And for clarity that goes for the over the counter zoning permits when is a new Class IV Zoning/Use Permit your recommendations go to the Planning Commission and they go through the same calculus of do we incorporate the KHPRC recommendations as a whole, in part, or not at all essentially.

Ms. Wichman: Anne?

Ms. Schneider: I make a motion that we just receive for informational purposes only.

Ms. Wichman: Ok a motion has been made. Is there a second?

Ms. Griffin: Second.

Ms. Wichman: Any discussion? Ok, hearing no discussion we shall vote. How many are in favor? (Unanimous voice vote.) Any opposed? None. So this passes. Thank you. Thank you very much.

ANNOUNCEMENTS AND GENERAL BUSINESS MATTERS

Mr. Hull: The next agenda item is announcements and general business. The Commission is in receipt of, excuse me where did it go? So for clarification items K.2. and K.3. were adjusted to be handled before announcements in the adjustments to the agenda. So now we continue on the agenda as established. So the next one is agenda item H, which is announcements and general business matters.

The Department submitted an addendum memorandum that you folks should in front of you which has an email from Communications Officer Mary Daubert for the County of Kauai that gives notice of the US Postal Service to end service at the Lihue Post Office which is a structure on the State and National Registry. The proposal appears as not to demolish the structure but just to end service there and they are taking public comment until February 8th. So this announcement here is essentially for the dissemination to the commissioners because the comment or the publication was only made aware to us within the past 2 days we couldn't put it on the agenda for an actual agenda item for this body to take action on but we felt it prudent indeed to have it here as an announcement. If there is some sort of discussion, I am sure Jodi is going to (laughter in the background).

Ms. Wichman: Is there any discussion?

Mr. Hull: Jodi may allow, I think to a certain extent, informative statements to be made.

Ms. Higuchi Sayegusa: Any other announcements?

Mr. Hull: Or announcements.

Ms. Griffin: I think this doesn't, it's worth in this commission noting that the building is on the State and National Registers of Historic Places and you can read more in a book called "Lihue", pages 100 to 105.

Mr. Hull: But yes it is there for comment. Like I said because we couldn't agenda this no official comments can come from this body but for informative purposes any member of the public, including yourselves as public members, can comment on it of course. The next agenda item. Oh I am sorry.

Mr. Long: I have an observation comment. That is I understand the Postal Service and Governmental Agencies needing to reshuffle their workforce and their facilities. As someone that professionally has experience in historical post office renovations and adaptive reuse projects and feel that US Post Offices are particularly well suited to that type of adaptive reuse development and we saw that in Washington DC with President Trump's renovation of the post office there. So it would be nice to see the Federal Government pursue a sale and acquisition program as opposed to a demolition program.

UNFINISHED BUSINESS

Re: Proposed draft Rules of Practice and Procedure of the County of Kauai Historic Preservation Review Commission

Mr. Hull: The next agenda item is Unfinished Business items J.1. Proposed draft rules of practice and procedure for the County of Kauai Historic Preservation Review Commission. So at the last meeting in November the Department submitted to you folks a draft of potential administrative rules for you folks to operate under. Currently this body does not have any rules in which it operates in a de facto manner under Roberts Rules. So to just take care of that we have submitted a draft to you folks and essentially you guys were taking it home to see if you had any comments or recommended edits or changes to be made. So that's what it's back here for. Ultimately, if there are no edits or if the edits are made and adjusted the Department with the County Attorney's Office is required to submit it to the Small Business Regulatory Review Board over on Oahu for a public hearing there prior to holding a public hearing official for the rules with the body.

Ms. Wichman: Pat.

Ms. Griffin: I made some comments last month and I see that they had not been. So chapter 2, 121 organization still shows that at the regular September meeting of each year the Commission shall elect a chairperson and vice chairperson and I am not sure of the rest but it's in the minutes.

Mr. Hull: My apologies. You did make those recommended changes and we had intended to make those adjustments and I didn't. Sorry, I apologize but we do intend to put those in.

Ms. Wichman: Ok thank you. Any other comments, discussions?

Ms. Higuchi Sayegusa: Perhaps a motion, suggestion for a motion is to I guess I don't know if ordain is the right word but to approve Kaaina and I to go ahead and make a submittal to the Small Business Regulatory Review Board so that they can cause under State Statute, HRS Chapter 201m, any effects on small business has to be reviewed by the board. So they are reviewing again for the small business effects on the rules create. I jumbled that up but in any case we have to go to Oahu, go before the board and they have to review it and make comments if there is any. So, again, it would be a motion to allow I guess Kaaina and myself to go and take it before the Small Business Regulatory Review Commission.

Ms. Wichman: Ok do I have a motion?

Ms. Schneider: I make a motion for Kaaina and Jodi to go the SBA to have the rules approved with Commissioner Griffin's amendments as stated.

Ms. Wichman: Ok do we have a second?

Mr. Chaffin: Second.

Ms. Wichman: Ok any discussion? (None.) Ok will there be any public testimony to this?

Ms. Griffin: We have a motion on the floor.

Ms. Higuchi Sayegusa: We do. There is a motion. No second yet. There is a motion. No second yet.

Ms. Griffin: Larry second it.

Ms. Higuchi Sayegusa: Sorry. You can withdraw that and then open it to public testimony if there is any. So sorry withdraw the second and then withdraw your motion.

Mr. Chaffin: I withdraw my second.

Ms. Schneider: I withdraw my motion.

Ms. Wichman: Ok is there any testimony from the public? Ok not at this time. So may I have a motion?

Ms. Schneider: I'll restate the motion that Jodi and Kaaina should go to the SBA to have the rules approved with Pat's amendments.

Ms. Wichman: And a second? From Larry thank you. Any discussion with the Commissioners? (None.) Ok can I have a vote, those in favor? (Unanimous voice vote.) Any opposed? (None.) Ok therefore it passes.

Re: Discussion on the status of the Certified Local Government

Mr. Hull: Ok the next is agenda item J.2., Discussion on the Status of the Certified Local Government. I believe there is a representative from State Historic Preservation Division.

Ms. Anna Broverman: Hello Madame Chair and Commission. I am Anna Borverman. I am the Architectural Historian with the State Historic Preservation Division. First, I wanted to update the Commission on the status of the 2016 CLG Grant funds. Our grants administrator just put forth the project notification for the Hanapepe Bridge Nomination Project to NPS. So it's currently for review there and I will let you all know through Myles and Kaaina whenever we hear back from NPS on that approval.

Secondly, the fiscal year for 2017 has started and I have discussed with the planners from all 3 Certified Local Governments about splitting up the grant funds evenly between the 3 CLGs to help everybody plan better to know how many funds they can expect every year and so it's roughly about \$19,000.00 for each CLG every fiscal year. I would like to know if the Commission has any comments on that?

Ms. Wichman: Commissioners? Ok no comments.

Ms. Broverman: Ok secondly, I am currently writing the policies and procedures for the CLG program and as part of that I am laying out the process for the Commission to review National Register nominations, all the things the Commission is legally required to do per Federal laws and it's almost like a guidance document for the Commission. It will also help explain the grant process better and as part of that I am removing the requirement where the CLG has to match the Federal grants by 40%. So I am hoping by taking away that 40% grant requirement it will allow more projects to be done. So does the Commission have any comments on that?

Ms. Wichman: Commissioners?

Ms. Schneider: Sounds good to me.

Ms. Wichman: Ok no comments.

Ms. Broverman: Ok and lastly, I have received the final draft from Mason Architects for the Statewide Architectural Survey of Hawaii for our first year. So I am currently reviewing that and I will make sure to give a copy to the Commission whenever it is complete.

Ms. Wichman: Thank you Anna. Stephen.

Mr. Long: I have a question. Was that for the historic districts?

Ms. Broverman: Yes, that was the study that was created with the legislative funds that we received in 2015. So that survey took part last year and now we are starting the second round this year.

Mr. Long: I have an additional neighborhood that I would like to nominate to have taken a look at on the second round.

Ms. Broverman: Ok.

Mr. Long: I believe it's Kaohe Road off of Kalihiwai Road looking into Kalihiwai Bay with a number of Hickey Homes that were built immediately after the '57 tsunami that wiped out the general store and the gas station down in Kalihiwai Bay. Those homes were built by Amfac and Hickey overlooking Kalihiwai Bay and a number of prominent Kuleana families like the Akana family still have homes up there and they are still really intact. It really a lovely neighborhood so I think we want to take a look at it.

Ms. Broverman: Great. Thank you very much. Does the Commission have any more questions for me?

Ms. Wichman: Commissioners? Pat.

Ms. Griffin: When do you think you will have the rules together?

Ms. Broverman: So the policies I just finished writing I think it was yesterday and I have sent it to National Parks Service for a preliminary review. They said they were looking at it this weekend so I am hoping I will have a copy by March at the latest. I would like to get it to the Commission for the February meeting if possible. I am trying to do it quickly so that the '17 grant projects won't need that match.

Ms. Griffin: Great. Thanks.

Ms. Wichman: Any other discussion, questions? Ok thank you very much Anna.

Ms. Broverman: Thank you.

Mr. Hull: So there would need to be a motion to receive Anna's testimony for the record.

Ms. Wichman: Ok. Do we have a motion to receive Anna's testimony?

Mr. Chaffin: I make a motion to receive Anna's testimony as given.

Ms. Griffin: Second.

Ms. Wichman: Any discussion? Ok all those in favor? (Unanimous voice vote.) Any opposed? (None.) Motions passes. Thank you.

NEW BUSINESS

Mr. Hull: The next agenda item is agenda item K.1. Garden Island Service Station, TMK: 3-6-006:089, 3-3178 Kuhio Highway, Lihue, Kauai. Proposed demolition of gas station built in 1930. I believe we have a representative for the applicant.

Mr. Jon Lucas: Hi I am Jon Lucas from Palms Hawaii Architecture. I am here just to hear your comments and field them for the owner as I am just representing the Owner's agent from Palms Hawaii Architecture.

Ms. Wichman: Any questions from the Commission?

Mr. Hull: Just some background for the Commission if you are not familiar. The structure, the Shell Gas Station in Lihue has been before this body before for a demolition permit. There was considerable discussion had when that application was brought last year some time, or the year before. Ultimately after the discussion at some point a month or 2 after the applicant decided to withdraw the demolition application. Since that time they have decided to reup the demolition application so that is why it is back to you folks again. If you feel like this is de ja vu. It is because it has come here before.

Ms. Wichman: Commissioner any comments, questions?

Mr. Chaffin: Where is the right of way in relation to that structure?

Mr. Hull: The State highway you mean?

Mr. Chaffin: Right.

Mr. Hull: It is directly adjacent to it. So you can see in the photos, so you drive down the highway here and you will run right into it on your right hand side driving toward Hanalei.

Mr. Chaffin: Run right into it, then it's in the...

Mr. Hull: It's directly on your right has you drive down the highway. Right next to the No. 1 café.

Ms. Wichman: Any other questions, comments, concerns?

Ms. Griffin: I have some questions. I notice that the application, the demolition, is dated 2015. Was it not updated? Oh and the response from the State Historic Preservation was 2015 as well.

Mr. Hull: Sorry, for the Commission's edifications we included the old application as well as the comments that SHPD made to that original demolition application. But to be clear, SHPD hasn't commented on the renewed demolition application.

Ms. Griffin: But it's the same?

Mr. Hull: It's the same plan essentially to demolish. Correct.

Ms. Griffin: I noticed in the zoning permit application that Shell is saying that they have at least a 75% property interest but then further on it says that it's joint owner with the Weinberg Foundation and I wondered about that relationship.

Mr. Lucas: I am not aware of the exact allocation of the percentage of ownership but I can take that request and find that information and get back to you. I am not aware of that information at current time.

Ms. Griffin: You know I do find, this is such an important building in town and it's a little frustrating not to have somebody who can talk and respond because the building shouldn't come down. It is an integral part of that block and it's in our Lihue District Community Plan that was finished last year or so. It is listed on page 33 as one of the historic places that exist Kuhio Highway Commercial Strip. In our town, well so I would like to have more of a discussion about finding ways to retain the building and I don't know how we can do that. Is there a time limit that we can come back next month?

Mr. Hull: Yes there is no, the zoning permit hasn't been intaken and as such there is no time limit as this point. As a condition of acceptance of the zoning permit we require that comments from this body to be made first and received by the applicant prior to intaking their zoning permit. Once we intake their zoning permit there is a clock, there is a 21 day clock that we have to either deny or approve and essentially there is not much we can do with the zoning permit to actually deny it though.

Ms. Schneider: Is it possible to have the applicant's representative rather than the architect but somebody from Shell come and speak to us why they want to demolish it.

Mr. Hull: I think you can ask Jon that very thing.

Mr. Lucas: I could ask the applicant to come forth and...

Ms. Schneider: So that we can make some kind of presentation about why we would like to retain the building if possible.

Mr. Lucas: Sure. I totally understand. That makes sense to me.

Ms. Griffin: Cause even the demolition assumes another building there and the plans that we were given show a building that doesn't conform to the Ordinance that follows the Lihue Town Core or Urban Design Plan and it certainly doesn't, specifically in the keeping with the context of the historic structures around it. And I don't want to shoot the messenger, Mr. Lucas, but I feel like it would be unfair to try to put you in a position to answer these and have a reasonable discussion about such an important building.

Mr. Hull: Yes so ultimately if that request is being made for the applicant to have somebody specifically from Oahu come over here and have the discussion, I think that request can be made and essentially you would defer until the next meeting to have that request either be met or not essentially.

Ms. Wichman: Anymore discussion Commissioners?

Ms. Schneider: I make a motion that we defer further discussion on this application till we get a chance to speak to somebody from Shell if possible.

Ms. Wichman: Do we have a second?

Ms. Griffin: Second.

Ms. Wichman: All those in favor? (Unanimous voice vote.) Any opposed? (None.) This motion passes.

KAUAI HISTORIC RESOURCE INVENTORY UPDATE COMMITTEE

Mr. Hull: The next agenda item is the Kauai Historic Resource Inventory Update Committee. An update on the permitted interaction group for updating the Kauai Historic Resource Inventory. Did the group meet since the last meeting?

Ms. Wichman: No.

Mr. Hull: Then my apologies in setting up the agenda. If the group hadn't met then we shouldn't have actually had that agenda item. So I guess there is no report to give at this time.

Ms. Griffin: Is it possible to set another date now since it is an agenda item?

Mr. Hull: Yes.

Ms. Griffin: I look at you because if it is possible to set another date.

Ms. Wichman: The date would be up to Myles.

Ms. Griffin: For the inventory?

Mr. Hironaka: Yes.

Ms. Wichman: So Myles would you send an email to us so we can discuss which date we might? Ok thank you.

Mr. Long: I have a comment. We would like to put this back on the fast track schedule. We had the holidays and people sick but I think as a P I G and also with Commissioner Griffin we would really like to move forward in an expeditious manner.

Ms. Wichman: Any other discussion on the P I G? On the inventory? No.

HISTORIC PRESERVATION PUBLICITY COMMITTEE

Ms. Wichman: Ok we move on to Historic Preservation Publicity Committee. The update on the permitted interaction group for publicizing historic preservation efforts and has that group met?

Mr. Hull: I don't believe that, that group has met but the reason we placed it on the agenda was in discussions with Commissioner Long the desire to at least provide the Commission or begin the discussion on incentive packages that property owners have for preservation efforts particularly for the State Registry and National Registry. So in your packet at the very end you have an array of different exhibits that list the County ordinances as well as the Federal tax incentives for placement on the historical registry list and essentially, in a nutshell, the County Real Property

Ordinance will waive, if it's non-profit organization that owns the structure it will waive 100% of its assessment of that structure that is on the list from taxation or tax assessments. If it's just a regular individual, not non-profit but a typical homeowner the County of Kauai Real Property waives 75% of the assessment. So it's a substantial amount that is waived in your real property taxes for placing on the State or National Registry. There is only a residential structure exemption under the County of Kauai Tax Code. In our research there is no commercial or other type of structure tax incentive. That is the tax incentive for the County of Kauai Real Property. Do you have any questions on that particular issue?

Mr. Long: Yes I do have a question. I have read this ordinance and my recollection is that for State Register of Historic Places that are residences occupied by the homeowner is what would be considered is what would be considered a home...

Mr. Hull: They have a homeowners exemption as well.

Mr. Long: Would qualify for a homeowners exemption. Not have the homeowner's exemption. If those real estate taxes could be kept at \$150 a year and if it was not their primary residence then it's discounted.

Mr. Hull: For homeowner occupied there is, I don't know the specific rate it is done at but there is a specific reduction and cap for the assessment on those properties where the primary occupancy of the dwelling.

Mr. Long: Right. So these are number, so it's this type of question and clarification that I believe the public is really looking for. So I have a number of those questions from the public that would like to get that information and would like to have a format in which to ask the questions and obtain real specific answers.

Mr. Hull: Well, I mean for the homeowner's exemption this would not be the appropriate forum. If you want to discuss the historic registry tax assessment, indeed this would be the forum for it. But things like various incentives for the waiver or caps on tax assessments, ultimately that has to be coordinated with the Real Property Division. You have a whole array of different types of waivers and caps on assessments. Everything from affordable housing, to a homeowner occupancy, primary homeowner occupancy, to the age bracket categories of the homeowner that's occupying the dwelling unit. There is an array but as far as this being the forum for that discussion, quite frankly, I got to say Commissioner this isn't the appropriate forum. For a specific discussion on like I said the historic exemptions are given which are fairly substantial at least for residential further discussion can be had. But that's the only, under the real property code, that's the only historical exemption that they have right now. We can talk off line about the other things. (Laughter in the background.)

Mr. Long: Thank you for the clarification. And I can tell you that there are members of the public that have gone to the assessor's office and asked them certain questions and they have been referred to the Planning Department. So there is a miscommunication and a lack of coordination and the information that is being provided to the public on these programs. So just asking for a forum for

clarification and if this is not that specific forum then so be it. But we are in, our P I G, has responsibility of informing the public about various incentives for their State Historic Preservation tax exemptions, and the prorated allocations for nonconforming properties, and whether the TVR Ordinance is overlapped, and has impact from that tax exemption are all real questions that are all driven by the historic preservation registration. So I don't what the forum is.

Mr. Hull: No, no that is what I was getting at Commissioner. That if it is singled out specifically under the historic preservation platform and the various incentives available, indeed this is the appropriate forum and that is why I essentially provided the documents that you are in receipt of. So you have the County of Kauai Real Property tax waivers as well as I have also attached the Transient Vacation Rental Ordinance which basically states that transient vacation rentals outside the visitor destination are strictly prohibited with exception of those properties listed on the State Historic Registry or the National Historic Registry. That doesn't mean those on the State Historic Registry can automatically operate a TVR. It just means that they can apply for a use permit to operate a transient vacation rental and it's the only way now you can essentially look at pursuing a land use entitlement for a TVR here on Kauai on those properties outside of the VDA. In the VDA they can run amuck but outside the only way is through a site that has been recognized for historical preservation on either the State or National Registry.

Mr. Long: This may not be the format for this particular question and if so please just defer it. But a question that has been asked is if you place your structure on the State Register of Historic Places and you obtain the historic tax incentive through the County of Kauai and then you go and through a use permit successfully obtain a TVR permit for that historic structure then there is a catch 22 such that you have got a residential structure that is now...

Mr. Hull: Not being used for a residential purposes.

Mr. Long: It is being used as a resort. Does that then negate your historic real estate tax exemption?

Mr. Hull: Correct so you would, Commissioners, what Commissioner Long is pointing out is that under the tax code you get that waived of 75% to 100% of your assessment if it's on the registry and among other things. There is another set of criteria including maintaining the site on an annual basis and recognizing that with the Real Property Division but in particular it also states that the residence will be used for residential purposes and homeowner occupancy. So you get the waiver of assessment with registry. On the other hand you can operate a transient vacation rental in an historically registered site but the second you operate that transient vacation rental you lose out on the tax assessment waiver. So the residential use is gone. So indeed you cannot have both scenarios of a TVR and a tax waiver. You would essentially, for a historically registered site, you have to pick one or the other.

Mr. Long: Thank you. That's excellent clarification. I have another question.

Ms. Higuchi Sayegusa: Are these a lot of hypotheticals? I just want to make sure we were just sort of tied into this, an update on the P I G.

Mr. Long: No I think this is a pertinent observation and statement I am about to make.

Mr. Hull: Jodi I think what the Commissioner is getting at is, that is why those documents were attached to the agenda, was if there is a desire for the... initially the P I G for publicity purposes and then the commission to utilize these documents in some publicity fashion. I am not sure what it might be. In a public notice. In a pamphlet. In a piece of social media. I am not sure. So the documents were attached for this discussion.

Mr. Long: Thank you.

Ms. Wichman: Any other discussion?

Ms. Griffin: I have a quick question. Do you know what the thinking was about adding historic properties to the possibility of utilizing it in TVRs?

Mr. Hull: I actually don't Commissioner. I was surprised to find out that, that entitlement is there. I am not sure. I would be curious to look back in the minutes of the Council's discussion at that time. I know there is some hesitations and we have had applications or applicants come forward interested in applying for it but nobody has ever actually gone to the Planning Commission. Cause at the end of the day the entitlement to have a TVR in a registered site is not a ministerial entitlement. It's not permitted over the counter. It's a discretionary entitlement. It goes before the Planning Commission. The Planning Commission in their discretion will decide whether or not to award that entitlement to the applicant.

Given that, I'd say much of the issues of nuisance and complaints that have been generated from transient vacation rentals on this island any application would have to ultimately thread fairly carefully as they go through because at the end of the day when they are applying for a use permit what they are applying for is to meet a compatibility standard. Is this higher up zoned use? This transient vacation rental, which is not an outright permitted use in the residential district, is it going to be compatible with its surrounding residences. So that would be litmus test that they would have to meet should they apply for a use permit.

Mr. Long: I have a question. All of the major counties have this historic preservation tax exemption for residential use. Oahu also includes commercial buildings and what would it take for Kauai to adopt a similar ordinance.

Mr. Hull: Ultimately an action by the County Council. Now this body can initiate that type of proposal quite frankly and if that is the desire to begin looking at proposing a commercial tax credit, or tax exemption, or tax waiver for historically registered sites that is in the purview but ultimately it would have to be moved up to the County Council for review and take action.

Mr. Long: Thank you.

Ms. Wichman: Any other comments? (None.) Do we have to move to accept this?

Mr. Hull: You would just, just a motion to receive essentially.

Ms. Wichman: Ok may I have a motion to receive?

Mr. Chaffin: I make a motion to receive.

Mr. Long: Second.

Ms. Wichman: Ok so we have made a motion to receive and second. All those in favor? (Unanimous voice vote.) Any nays? (None.) Ok so passed.

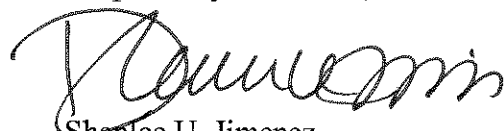
DATE AND AGENDA TOPICS

Mr. Hull: The next agenda item is the date and agenda topics for the next meeting. So the date set for the next KHPRC meeting is February 23, 2017 and it will be here in this room next month. That's all we have for the agenda.

ADJOURNMENT

The meeting was adjourned at 4:45 pm.

Respectfully Submitted,



Shanlee U. Jimenez
Secretary